



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

JANUARY 13, 2009

PRESENT: Acevedo, Koepp-Baker, Lyle, Mueller

ABSENT: Escobar

LATE: Tanda, who arrived and was seated on the dais at 7:05 p.m.

STAFF: Planning Manager (PM) Rowe, Senior Planner (SP) Tolentino, and Minutes Clerk Johnson.

Chair Koepp-Baker called the meeting to order at 7:00 p.m., inviting all present to join ask she led the pledge of allegiance to the U.S. flag.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Koepp-Baker opened the floor to public comment for matters not appearing on the agenda.

Noting that no others in attendance expressed a wish to address items not appearing on the agenda, the public hearing was closed.

CONSENT CALENDAR:

MINUTES:

DECEMBER 9,
2008

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE
THE DECEMBER 9, 2008 MINUTES WITH THE FOLLOWING REVISIONS:

Page 2, paragraph 3, line 6 (add): ...to be *taken*....

Page 10, 1st diamond (add): (*IV E*, other conditions)

Page 15, paragraph 3, and line 4: *as late as a 1/2 hour before the workshop*; and line 6:
....~~one point~~ *up to 2 points*....

Page 20, line 1 (add):and *the other (Lone Hill)*....

Page 21, paragraph 8: ~~and multi-family~~ *family attached and detached*

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 2

Page 27, paragraph 7: ~~has attached~~ *this is not a scoring issue, but the project criterion 1e*

THE MOTION PASSED (5-0-0-1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR. *One vacancy exists on the Commission.*

DECEMBER 16,
2008

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE DECEMBER 9, 2008 SPECIAL MEETING MINUTES WITH THE FOLLOWING REVISIONS:

Page 3, 1st bullet (bottom list): projects not yet ~~been~~ plan-checked...

Page 5, paragraph 4, line 3: ... reduction in ~~then~~ *the* number...

Page 7, paragraph 5: ...must ~~reply~~ *rely*....

Page 7, paragraph 6... must do *a* certain ~~a~~ level...

THE MOTION PASSED (5-0-0-1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR. *One vacancy exists on the Commission.*

PUBLIC HEARINGS:

1) UP-08-11: BARRETT- COLSON & COLSON

A request for approval of a conditional use permit for the construction and operation of a 138-suite congregate care retirement residence approximately 115,600-sf in size located near the northwest corner of Barrett Ave. and Butterfield Blvd. on a 5.3-acre site in a R3(PD) zoning district.

SP Tolentino presented the staff report, reminding that this project had been heard by the Commissioners when the General Plan amendment and Zoning amendment applications were approved. This matter, SP Tolentino noted, had been scheduled for hearing by the Commission at the November 11, 2008 meeting, but at the request of the applicant, was continued to this meeting.

Commissioner Tanda arrived and was seated at 7:05 p.m.

SP Tolentino continued by saying that the intended operator of the Morgan Hill Retirement Residence (Holiday Retirement) was assessing other options in light of the current difficult economic climate. Consequently, the property owner (The Nicholson company), together with the project Architects (Curry Architecture) have combined with a request for a Conditional Use Permit (CUP), with the hope of either continuing the process of construction and occupancy with Holiday Retirement or another group to be identified.

SP Tolentino reviewed the required findings for a CUP, and identifying the qualities of each of the four findings, which she explained the project is able to meet. Responding to questions from the Commissioners, SP Tolentino said that issue regarding design compatibility must go through a specific design review process, and told of the current allowances for design of the facility.

Chair Koepp-Baker opened the public hearing.

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 3

Bob Dwyer, 19151 Calle Mendez, told the Commissioners he is one of the partners who owns the site. "You've seen this project many times and I want to tell you that we intend to complete the entitlement we're committed to. Holiday Retirement has put the brakes on all their projects so we are currently in the process of talking to several senior care providers. I think if we can get your approval, then we will continue to be able to market a strong project," Mr. Dwyer said. He noted the project Architect was present to answer questions of the project's detail. "Our main interest is to get the entitlements done, and then go to design review," Mr. Dwyer said.

Commissioners asked questions/raised concern regarding:

- since there would be a potential change of operators, was the same age group still to be targeted [applicant's intent: original plan unchanged]
- if the intent was to get through design review, and not have to return to the Planning Commission [yes, {the applicant seeks to} actively achieve goal of building the 'exact same project and manage it as such']
- any different would require returning to the Planning Commission
- this is the package the applicants want to show
- level of onsite emergency capability (staff was asked to talk to fire personnel, regarding placement of 'state of the art' equipment and training of staff)

Architect Mark Lowen, 471 High St, Salem OR, was present and spoke to the Commissioners regarding the inclusion into the design of 'reasonable requirements for emergency-type stations' in the facility as well as the expectations that all management and other pertinent staff will be trained in CPR. Commissioner Mueller asked assurance that the facility employees will have the ability to communicate with 911 personnel regarding the level(s) of emergency. Mr. Lowen reviewed the management requirements: two married couples, so that one is on-duty at all times. He also provided an overview of the emergency system(s) available through the design of the residential suites and common rooms.

Dennis Kennedy, former Morgan Hill Mayor, addressed the Commissioners, pledging support for the project and reminding that: "In these economic times a lot of investments are on hold and there is not a lot of {building} activity in the City. This project will provide 17 - 20 permanent jobs with housing for seniors and also secondary services for seniors. By allowing the CUP tonight," he said, "we can have the best shot at getting a first rate operator. If the entitlements are in place, the operator may still be Holiday but other providers are being talked to, as well."

Commissioner Tanda asked if there was a potential for the operator to be the builder. Mr. Dwyer said that under the Holiday-Harvest Development model, Harvest Development would build the facility, and then Holiday would manage it. "We could have other scenarios. Our partnership (property owners) had originally planned to sell, but we may end up being partners – we will just have to see. At this point, I would guess the ultimate operator will be the developer." Mr. Dwyer then gave an overview of the interconnection of Harvest Development and Holiday Management. Concluding, Mr. Dwyer said, "The key thing in congregate care is that the need is still strong and we hope they will come back in a month."

With no others present indicating a wish to speak to the matter, the public hearing was closed.

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 4

Disclosure: Commissioner Acevedo announced he had met with the applicants earlier in the day for discussion regarding the project.

Commissioner Lyle led discussion relating to addition of proposed language for the approval resolution:

- residents' age(s) to be as specified in the Statement of Operations
- senior staff shall be first aid certified and trained in the use of AEDs (automated external defibrillators)

COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A 138-SUITE CONGREGATE CARE RETIREMENT RESIDENCE APPROXIMATELY 115,00-SF IN SIZE, LOCATED NEAR THE NORTHWEST CORNER OF BARRETT AVENUE AND BUTTERFIELD BOULEVARD IN AN R3(PD) ZONING DISTRICT, INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN; AND ADDING A CONDITION TO EXHIBIT A AS FOLLOWS:

- ♦ **Add Section C. FIRE DEPARTMENT to Exhibit A of approval resolution requiring senior staff to be Red Cross certified in first aid and trained in the use of AEDs. The facility shall be equipped with AEDs with the appropriate number of devices to be determined by fire department personnel.**

COMMISSIONER ACEVEDO SECONDED THE MOTION, WHICH PASSED (5-0-0-1), WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR. One vacancy exists on the Commission.

**2) DAA-06-02C/
DSA 07-14B:
SAN PEDRO-
ALCINI/PINN
BROS.**

A request to amend the development agreement and development schedule to allow a 12-month extension to 4 building allocations for FY2007-08 and 8 allocations for FY 2008-09.

PM Rowe presented the staff report, noting this request is for a amendment to the development agreement for 12 month extension of time, and remarking this request is similar to many others recently heard by the Commissioners as a result of the depressed housing market. This project had been reviewed and approved by both the City Council and the Architectural Review Board, with the Planning Commission being actively involved in the decision making for the development schedule and the development agreement for extending the commencement of construction by one year. Now the applicant has submitted a letter requesting a one-year/twelve month extension of time for commence construction. PM Rowe distributed a revised development agreement for the Commissioners to consider.

PM Rowe stressed the project has sought all its necessary City approvals in a timely fashion. The developer has invested considerable time and fiscal resources toward improving the project and has been attentive to working within the approved development schedules. However, the downward spiraling market conditions are beyond the control of the developer, PM Rowe said, and staff has recommended approval of the request. PM Rowe noted that John Moniz was present to represent the applicant, who had requested Mr. Moniz to be the representative.

Commissioner Lyle called attention to exhibit "A" paragraph 1, line 2 where in the

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 5

following change was noted and agreed:

.....Building Permit ~~six (6)~~ two (2).....

Chair Koepp-Baker opened the public hearing.

Mr. Moniz asked the Commissioners to approve agenda items 2 and 3 which he termed the 'same request'.

With no others in attendance to address the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING A DEVELOPMENT SCHEDULE AMENDMENT (DSA-07-14A) FOR FY 2007-08 AND FY 2008-09 BUILDING ALLOCATIONS AWARDED TO APPLICATION MC-04-17: SAN PEDRO-ALCINI INCLUSIVE OF THE FINDINGS AND CONDITIONS, AND WITH MODIFICATION TO EXHIBIT "A" PARAGRAPH 1, LINE 2:

.....Building Permit ~~six (6)~~ two (2).....

COMMISSIONER LYLE SECONDED THE MOTION, WHICH PASSED (5-0-0-1), WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR. *One vacancy exists on the Commission.*

ON A MOTION BY COMMISSIONERS MUELLER/ LYLE THE DEVELOPMENT AMENDMENT, AS REVISED; 'COMMENCEMENT OF CONSTRUCTION DATE' WAS APPROVED, AS PRESENTED, FOR FY 2007-08, 4 ALLOCATIONS, AND FY 2008-09, 8 ALLOCATIONS. COMMISSIONER LYLE SECONDED THE MOTION, WHICH PASSED (5-0-0-1), WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR. *One vacancy exists on the Commission.*

**3) DAA-07-01B/
DSA 07-13B:
MONTEREY-
ALCINI/PINN
BROS.**

A request to amend the project's development schedule and development agreement to allow a 12-month extension to 27 building allocations for FY2007-08 (total project 32 units).

PM Rowe presented the staff report, noting the similarity to agenda item 2, as Mr. Moniz had indicated. This request too, PM Rowe said, was due to the downturn of the housing market along with reluctance of lenders to fund new housing starts resulting in this project not being able to start construction. PM Rowe went on to say this project contains mixed use/vertical units (27 allocations), and that the changes in numbers in the staff report accurately reflect the number of allocations and replacements contained within the request (32 units total).

Chair Koepp-Baker opened the public hearing.

John Moniz was present to answer questions.

With no other present to speak to the matter, the public hearing was closed.

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 6

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS, APPROVING AN AMENDED DEVELOPMENT SCHEDULE FOR BUILDING ALLOCATIONS AWARDED FOR FY 20078-08 AWARDED TO APPLICATION MC-05-05: MONTEREY-ALCINI COMMISSIONER LYLE SECONDED THE MOTION.

Under discussion, Commissioner Tanda asked why this application did not mirror the previous agenda item, as this one being one month, whereas the other had been agreed for two months. Commissioner Lyle explained that this larger project required more City processing time. "The larger the project," Commissioner Lyle explained, "the more the needs to get it in sooner so this one needs to get in to get the processing completed." PM Rowe affirmed that to be the case, saying, "The applicant gets the final map in earlier so there is more processing time available for staff. If the allowance were for the applicant to have more time get the paperwork in, then there would be resulting less time for staff review and administer it."

THE MOTION PASSED (5-0-0-1), WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR. One vacancy exists on the Commission.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION DAA-07-01B FOR APPLICATION MC-05-05: MONTEREY-ALCINI ALLOWING FOR A 12 MONTH EXTENSION FOR THE COMMENCEMENT OF CONSTRUCTION DATE FOR 27 ALLOCATIONS RECEIVED FOR FISCAL YEAR 2007-08. COMMISSIONER LYLE SECONDED THE MOTION, WHICH PASSED (5-0-0-1), WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR. One vacancy exists on the Commission.

Item 5 was taken up at this time due to the need to have the applicants for item 4 arrive for the presentation of the item.

5) REDISTRIBUTION OF RDCA BUILDING ALLOTMENTS

PM Rowe gave the staff report, calling attention to the June 18, 2008 resolution adopted by the City Council determining the available building allotment for the current RDCA competition. PM Rowe advised that no applications were received for downtown projects and recommends this unused set-aside be distributed into the open/market and multi-family rental set-asides as proved in the Council resolution.. PM Rowe then detailed the other categories (Table 1 of the staff report) where allocations were recommended. Just now, he said, it was important for staff to have direction regarding the categorical areas of allocation, as they must be identified by March 1, 2009. The current program of providing 15 allocations per year for on-going projects (those which are partially completed) was then discussed at length.

The policy, which had been noted in the Council discussions, of looking at a higher percentage in the affordable category was discussed at length. Studying the table 1, Commissioners said it might be necessary to complete a possible redistribution of allocations.

Commissioner Acevedo announced he was 'stepping down' at 7:54 p.m. due to his

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 7

business interest in the downtown, which provided the potential for conflict of interest.

Commissioner Tanda asked for clarification of the process of allocating to the noted categories.

Commissioners discussed:

- preciseness of the Council's direction
- whether developers have reaffirmed definite numbers of allocations they can use [yes]
- market rate category currently have 700 - 800 allocations yet to pull permits
- the affordable set aside can be spread differently; Municipal Code [section 2d (6181)] gives the Planning Commission the ability for categorical discretion, provided at least 33% of the allotments are in single family dwellings

Chair Koepp-Baker opened the public hearing.

Bill McClintock, 16075 Vineyard Blvd., said that while the Commissioners were reviewing building allotments through the various categories, it might be well to be thinking that after the scores of the current competition were finalized (agenda item 6) more flexibility could be considered. He called attention that in the Micro category where six allotments were available, only four are to be utilized. Mr. McClintock asked that the two remaining allotments be added to the Small category. "That could be justified in that the Small might be started before the big projects. I have talked to the leading point getter in Small and their 14 could be split into seven and seven, with three remaining, and those three could go to the second highest scoring project," he said.

Commissioner Lyle said, "I understand the seven and seven, but how many could they (the second place project) do the first year?"

Commissioner Mueller pondered the wisdom of going into the second (in a one year competition) when there will be another competition in a year.

Mr. McClintock then spoke to the following:

- the O'Brien project is 'basically ready'; other units would mean they are that much closer to beginning
- small projects are more likely to be moving forward, citing the Ginger Murray project and
- Malech project (Malech is a micro with four units; a trade from 2010 to something sooner might be feasible, with a possible beginning in 2009)
- rentals units are in high demand in the City
- smaller projects more viable than larger

Commissioner Lyle asked if the O'Brien project in the Small project category could 'do with three' or if a 4 - 3 split would be more viable/

Mr. McClintock responded, "They would like 5 - 2 split."

Scott Schilling, 16060 Caputo Dr., #160, urged the Commissioners to be flexible on Small

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 8

projects. "On the numbers of allocations we'd like to see as many projects as possible. We would have no problem with sharing of allocations"

Commissioner Lyle asked Mr. Schilling's preference for a split.

Mr. Schilling responded, "7 – 7," while noting that with "units in that range, we could make it work' As to allocations, we would like to see a below market rate set aside, but rather putting the units into a global pot, if awarded allocations would at least be guaranteed. At least 10% will build low only and some higher scoring is producing affordable units. We are now selling homes in moderate range in open market, so even if you lose some in the 20% set aside, the City will still have affordable. So we would rather see some type of competition. If you have allocations and can award them, it eventually lowers the cost."

With no others speakers for the issue, the public hearing was closed.

Commissioner Mueller said, "I can see very easily how we could end up with 8, 9, or 10 on-going projects. If we end up with too many, and allocate units into the next year, there would be no Open/Market completion in 2011-12.

Commissioner Lyle remarked, "I can understand the need for caution but I would like to see more units in the first year. But if more projects are started, and the backlog increased, that would not be good. The General Plan says more affordable housing is needed, so the goal should be more affordable in 2011-12."

Commissioner Mueller spoke on:

- having a set aside for downtown
- if there are 'carry over projects' this year. a competition in 2011-12 could be eliminated
- should complete as many projects as possible
- perhaps it would be wise to put the Open Market above Downtown and Affordable Set Aside
- could add 3 - 4 projects to ongoing

Commissioner Lyle argued that the City should reassign unused allotments to other categories, while minimizing the number of projects in 2011-12. Commissioner Mueller said it is absolutely essential to minimize numbers for 2011-12.

Lengthy discussion ensued regarding:

- how many projects could start
- concerns of 'carryover'
- not having a competition in 2011-12
- numbers of allocations needed for various categories
- guarantee of some number of allocations to ongoing projects to show to financial institutions
- further adjustments can be made, but staff needs to know going in how categorical allocation are recommended
- specific requests in the current competition

Commissioner Mueller gave an overview of the timeline of the process and how

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 9

adjustments are currently needed to give staff as much direction as possible. He also provided information that ‘historically the City Council had permitted variations within the competitions, e.g., utilizing future allocations, etc.’ “A big thing,” Commissioner Mueller said, “is the Downtown issue. We need to build units downtown and those will hit in the next competition and several thereafter. We can’t wait forever to do something downtown. There is great need, therefore, to minimize carryover – it is getting murderous.”

Rental units were the focus of the next discussion, as developers want to focus on small project as those can get started more easily.

Commissioner Mueller said, “If we use all allocations this year, and minimize carryover we have to focus on the categories which can be use. There are so many unknowns now, and if we give staff direction, then staff will come back with different scenarios and recommendations in a year.

Commissioner Lyle commented, “Not increasing the 54 to 69 would mean that this project would be left with only a 45 unit structure to be built and that could require up to 3 years to get sufficient allotments to do the building.

Turning to Table 1, the following adjustments were made:

Competition category	Current recommendation	Adjustment/new allocation
On-going projects	75	75
Affordable set-aside	30	0
Micro Projects	4	4
Small projects	10	12
Multi-family rental	54	69
Open Market	48	61
Downtown	0	0

Total: 221

4) ZA-08-19/ UP-08-12: CONDIT- WOLFF

Having received direction, PM Rowe said he would return in a month with refined data and information for the award of building allocations.

Commissioner Acevedo returned and was seated on the dais at 8:46 p.m.

The applicant is requesting approval to convert a former restaurant site into the training center for the San Jose Earthquakes Major League Soccer team. The project will consist of remodeling the interior of the existing restaurant building for the training facility and improving the undeveloped portion of the site into a natural grass practice area and soccer field. Perimeter fencing around the grass fields, protective netting, and new freestanding signage is also proposed. The training center is intended for private use by the San Jose Earthquakes; the facility will not be open to the public with the exception of occasional, pre-scheduled community events. The project site is 4.47-acres in size and is located at the southwest corner of Condit Road and San Pedro Ave. in a PD, Planned Development zoning district.

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 10

SP Tolentino gave the staff report, and noted the changes to the property which the applicants are proposing as part of the conversion for the training facility. The applicant has submitted a zoning amendment application to amend the Condit PD Guidelines to allow a freeway sign on the project site and to adopt a precise development plan. Adoption of the precise development plan includes an exception to the Condit PD Guidelines regarding landscaping along the freeway frontage. The Condit PD Guidelines requires a 30-ft wide landscape buffer along the freeway frontage and the planting of at least 21 trees. A Conditional Use Permit (CUP) for the training center has also been requested. As to the CUP, SP Tolentino informed, the Commission is being asked to review and forward a recommendation on the CUP request to the City Council who will have final approval authority.

SP Tolentino explained the findings needed to approve a CUP request, which Staff feels can be met for the following reasons:

Site Suitability:

- Applicant will utilize existing building and parking lot for training facility. Undeveloped portion of site is relatively level and is fitting for proposed soccer fields.
- Project site is located across street from City's Outdoor Sports Center
- Sufficient parking is provided on-site

Traffic/Circulation:

- Proposed use will generate fewer (less than half) number of PM Peak hour vehicle trips than previous restaurant use
- Facility intended for private use by San Jose Earthquakes (not open to general public)

General Welfare:

- Use will introduce new outdoor activity in the area ~~ could increase noise ~~ but outdoor fields will only be used during the day which is considered a non-noise sensitive time of day
- No new outdoor lighting proposed
- Installation of high nets to protect neighbor's property

Design Compatibility:

- Existing building to be utilized, with all work to the interior
- Project anticipated to improve visual quality of site
- Trees proposed to be removed in undeveloped portion of site and near building; however, Condit frontage trees and parking lot landscape trees to be retained (where parking lot retained)
- Requires ARB review and City Council approval

SP Tolentino referenced the revised resolution and offered explanation of the revisions regarding the proposed freeway sign.

Commissioners asked:

- height of existing sign [roughly 35']
- comparison of square footage with other facilities nearby
- why size of sign not reduced

SP Tolentino related that when the sign request was first submitted, it was for an electronic sign with a changeable reader board; however, now it will be a static sign with

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 11

only the addition of 'City of Morgan Hill' to the Earthquakes freeway sign. She went on to say that the applicant is asking for more flexibility in the design for the signage. Responding to questions, SP Tolentino said that the requested 55 feet for signage is consistent with the Harley-Davidson freeway sign (where the sign advertises multiple tenants).

Other items discussed were:

- 4x4-inch square of the netting and utilizing poles with support for fencing
- Problem with protective netting: canopy of existing tree located on property to the south crosses property line and needs protection; netting can't go all the way to freeway boundary as need to protect tree

Commissioner Tanda said he was supportive of the proposal, but questioned whether there could be positive publicity for a training facility in Morgan Hill as the Earthquakes are so closely tied to San Jose. He asked if it would truly be feasible to try to prohibit access to the general public. One of the applicants spoke from the audience, saying their training facility in Santa Clara rarely draws people to the field. Commissioner Mueller said he thought people will want to walk over from the Sports Complex.

Chair Koepp-Baker opened the public hearing.

Paul Menaker, One Maritime Plaza, San Francisco, addressed the Commissioners, saying he is the Earthquake's Senior Vice President and has been working with staff as they would like to make Morgan Hill the home of the Earthquakes training facility with hopes to eventually build in the City. Mr. Menaker spoke to the following:

- ample parking across street
- no intention to have people watch practices
- sometimes visiting teams to use the facility for practice as well (a plus for the City)
- team officials believe strongly in building a vision for the team and the City
- the facility needs to be visible from the highway
- will be happy to put 'Morgan Hill' on the sign

Chair Koepp-Baker spoke to the possibility of having potential visitors to the site – 'how would they be received'? Dave Alioto of the team was present and said, "We would welcome people from across the street but we will not have visitor facilities on site and we will not be building or installing bleachers. We intend working with City to control pedestrian traffic (and we expect to assume that expense, if any).

Commissioner Mueller said it would be of real benefit to have the name of Morgan Hill on the sign, especially with the sport complex really so nearby. Commissioner Mueller asked the applicants if they had plans for selling team-related merchandise [no].

Mr. Alioto told the Commissioners of the existing training center for the team, now located in Santa Clara:

- practice daily M – F
- weekend travel to games
- no commercial enterprise on site
- sell team merchandise at games and on line
- with space available here, will be able to rehabilitate injured players

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 12

Commissioners discussed with the applicants:

- approximately 100,000 cars per day pass the site on Highway 101
- 3000 -5000 youth each weekend at the Sports Complex
- while not a purpose of the training facility, Team will try to work with CYSA and other youth groups
- City's signage guidelines for multi-tenant signs proposed
- importance of having people know Morgan Hill is the home/location of the training facility
- netting will offer protection for adjacent site (protect cars and hotel next door)
- 40' netting based on installation at other locations
- willing to discuss suggestions to enhance attractiveness of the netting screen to protect hotel ~~ want to make as invisible as possible
- interest in having sign be as large as other signs along Condit
- potential for noticing the Morgan Hill Aquatic Center on the sign [applicants not prepared to commit to that at the present time]
- landscape buffer (Planning Commission has had major arguments with other owners along Condit about their landscaping)
- intention to 'celebrate what the Teams will be doing here'
- use of a great deal of landscaping on site; grass field will look very green and well kept; will be a proud site for the City
- Applicants upgraded field at existing training site at Santa Clara University

With no others present to speak to the matter, the public hearing was closed.

Commissioners discussed the sign request, and compared it to the Harley-Davidson sign, with Commissioner Acevedo terming the sign 'nearly identical to that of the Harley dealership. "I see it as fitting with what already exists, except this is a single name sign," Commissioner Acevedo said. "I would also argue that this doesn't need a landscape buffer." For clarity, PM Rowe explained the green belt concept, stating it is typically used to screen parking lots and buildings. In the case of the proposed project, natural grass fields are located along the freeway frontage and the building and parking lot are setback quite a distance.

Other discussion centered on:

- Perimeter fence (8'high, black clad vinyl) along the freeway; PM Rowe noted that black will be transparent to moving vehicles
- Fence will be very long and should be transparent (the applicants declared "Your goals and ours are the same.")
- {Commissioner Mueller} spoke to the existing fencing and the landscaping on it

Commissioner Tanda indicated he would have appreciation for how the green grass will look better than the site does today. "I would rather see grass than trees needing to grow," he said. Commissioner Tanda also expressed support for the 30' landscaping exception. He also spoke of support for the netting, but said it should be minimized as much as possible. "The 40' netting will be the only barrier between the facility and the hotel. Travelers will be able to see that netting head on as they come up the highway, so to the extent it could be reduced, that much better," Commissioner Tanda said.

The public hearing was reopened.

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 13

Commissioner Acevedo determined that the vertical posts will be made of concrete. He also asked how frequently the netting might be replaced. "As often as necessary," the applicants responded. Commissioner Acevedo stressed the need for replacement so it will not be 'tattered looking'.

The public hearing was closed.

Commissioner Lyle said the signage was bigger and higher than it needs to be.

Chair Koepp-Baker expressed the thinking that there could be some argument for large signage of bringing in revenue. "I would prefer all signs to be the same height – that's a personal preference."

Commissioner Mueller commented that the signage the applicants were asking for was an 'awful lot compared to what the Planning Commission had given to anyone else' – and it was a lot for a single user. "I really believe the City needs to have something identifying the Sports Complex on the sign."

Chair Koepp-Baker reminded that the applicant had said they 'will work with us' on the wording for the sign.

Commissioner Mueller noted this could be a two panel sign and said, "This is what we would normally allow for four businesses. So if a 200+ sf sign for the Earthquakes, then 50-sf for a second panel for Morgan Hill and the Sports Center, that seems more appropriate here than other site signage. I really think we need to have a split sign."

Commissioner Lyle said, "In the newspaper there was some mention of the Earthquakes managing the Sports Complex." SP Tolentino said negotiations are on-going but separate from the proposed project.

Commissioner Mueller said, "I feel strongly signage is a big issue. We need to get Morgan Hill identity on the sign but not diminish their {SJ Earthquakes} efforts. It – and we - need not to be in violation of our own sign code."

Chair Koepp-Baker observed, "If the earthquakes manage the sports field, there is potential for a higher use signage."

The public hearing was reopened.

Mr. Menaker pledged, "The Earthquakes organization will work with the City on sign contents. We are prepared to work with the City message and committed to have City name on the sign."

Commissioner Acevedo commented, "It seems more appropriate if there could be large sign on the north side of the PUD, perhaps allowing other PUD uses to locate on the sign, including the existing Quality Inn sign."

Mr. Menaker informed, "There is no contractual basis for that sign and we do not intend to continue it," Chair Koepp-Baker confirmed that the existing signage would be eliminated.

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 14

Commissioner Mueller said, "I hear what PM Rowe is saying: the thinking is that a single pylon sign would be better, but it is extremely important for the City of Morgan Hill Sports Center to be acknowledged."

Mr. Menaker repeated, "We will work with the City in considering only signage for the City of Morgan Hill." He also stated, "We've heard your concerns about the netting height, and will work with the City on that issue."

The public hearing was closed.

Commissioners engaged in discussion:

- the Earthquakes sign will be good for the team; however, the City of Morgan Hill sign is important too
- existing businesses were noticed that the current Quality Inn sign will be abolished
- absence of landscaping and
- some type of appropriate Morgan Hill identification on the sign

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM. THE MOTION PASSED (5-0-0-1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR. One vacancy exists on the Commission.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF A ZONING AMENDMENT TO ADOPT A PRECISE DEVELOPMENT PLAN AND AMEND THE GUIDELINES FOR A PLANNED DEVELOPMENT DISTRICT ON THE WEST SIDE OF CONDIT ROAD BETWEEN DUNNE AND TENNANT AVENUES FOR THE EARTHQUAKES TRAINING CENTER, INCLUSIVE OF THE FINDINGS AND CONDITIONS WITHIN, AND A SUGGESTED CHANGE TO SECTION 4, 52a(iii), PAGE 2: SIGNAGE EITHER 2 PANEL OR 1 PANEL NOT TO EXCEED 330 SF WITH THE PROVISION FOR 60 SF FOR USE ADVERTISING THE CITY OF MORGAN HILL AND CITY'S SPORTS FACILITIES (SOCCER FIELDS, OUTDOOR SPORTS CENTER AND AQUATICS CENTER). COMMISSIONER ACEVEDO PROVIDED THE SECOND TO THE MOTION.

Under discussion, Commissioner Tanda commented about the provision of the second panel of 60 ft, which would be for the purpose of identifying three complexes, and opining that a larger space would be needed.

Discussion followed:

{Chair Koepp-Baker} sign must be aesthetically pleasing

{Commissioner Mueller} second panel up to 84 feet

(Commissioner Tanda) suggests 25% of the sign be reserved for the City of Morgan Hill

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 15

{Commissioner Lyle} notation of the Condit Sports Facilities
{Commissioner Mueller} up to 25% for Morgan Hill Sports Facilities

{Commissioner Mueller} preference would be two panels; could live with one panel if 330 sf and up to 25% reserved for City of Morgan Hill Condit Road Sports Facilities;

THE PRIOR STATEMENT WAS THEN INCORPORATED INTO THE MOTION, WITH AGREEMENT BY COMMISSIONER ACEVEDO, AS THE SECOND. THE MOTION PASSED (5-0-0-1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR. One vacancy exists on the Commission.

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS WITHIN, RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR THE EARTHQUAKES TRAINING CENTER PROPOSED AT 16695 CONDIT ROAD IN A PLANNED DEVELOPMENT ZONING DISTRICT WITH THE FOLLOWING ADDED CONDITIONS: 1) MINIMIZE HEIGHT OF PROTECTIVE NETTING TO THE GREATEST EXTENT POSSIBLE; 2) SELECT A COLOR FOR THE VINYL PERIMETER FENCING (EITHER BLACK OR GREEN) THAT WOULD BE THE LEAST VISIBLE; AND 3) PROTECT OFF-SITE TREE NEAR SOUTHWEST CORNER OF SITE. COMMISSIONER ACEVEDO SECONDED THE MOTION.

Discussion proceeded regarding:

- Protection of the large tree on neighboring property to the south; questions were asked regarding the height of the tree [about 30 feet at the highest point]
- Planning Commission willingness to have final height and location of netting to protect off-site tree to be worked out with ARB and the site review process.

THE MOTION PASSED (5-0-0-1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR. One vacancy exists on the Commission.

Commissioner Mueller observed, "I really hope everything works; this could be a plus for both organizations."

Mr. Menaker responded, "We do, too."

Disclosure: Commissioner Lyle and Commissioner Mueller had individually visited site under discussion in the previous agenda item.

Commissioner Mueller was excused at 9:42 p.m. for the next agenda item due to the potential for the conflict of interest based on relationships with a developer.

6) REVIEW AND APPROVAL OF FINAL RDOS PROJECT SCORES

Commissioner Lyle reminded that Planning Commission excellence point requires a unanimous PC vote for 2 points, or a super majority (3 of 4 votes) for one point.

PM Rowe referenced the distributed staff report in providing an overview of the global issues; restatement of issue and the ten consensus determined by the Planning Commission. He then pointed out item 3 which had previously generated much

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 16

discussion: in dealing with the rounding rule, staff agreed with the requirement of converting a point score of 1.92 to 2 BMRs PM Rowe said this affects housing types (scored downward .5), but not housing needs.

As to the Planning Commission' Excellence point in the livable communities category, there should be acknowledge of projects that stand out.

PM Rowe then pointed out several adjustments to the scoring matrix including issues for: MC-08-15 addition of a point in the Schools category as the project is in walking distance to the nearby school; Quality of construction previous adjustment to livable communities staff scored projects down on partial elevations but re-looked (global issue) and that category changed in many applications

MC-08-16 - many scoring adjustments with the application now scored based on whole master plan, not just 44 units in phase I of the project; this project and others, if received points for the same commitment in 04, and the project application has not changed, then should receive same point this time ~~ open space up; public facilities inconsistencies between this and circulation efficiency, not point change as points already given lot layout and orientation; master plan level of detail needed but this only for phase 1 - in looking at narrative more closely, applicant committed to point out *standard for phase 1 and committed to whole project so 13 of 15 possible*
Landscaping (consistency with 2004)

MC-08-17 adjustments highlighted in the staff report

MC-08-18 wrong check list initially used adjustments made along with livable communities which was also adjusted

MC-08-20 subtraction in Schools (community room not verifiable)

MC-08-23 subtraction in Schools does not provide on site community room; continued discussion of after school tutorial provision available but not consistent with criteria; Subcommittee to review again; addition of point to circulation efficiency (East Dunne and Church Streets improvement: full street upgrade with curb and gutter on other side; point to livable communities, too

Having reviewed the adjustments, and anticipating the award of the Excellence Point at this meeting, the scoring and award recommendations will be returned to the Commissioners at the February 10, 2009 meeting.

Commissioners asked questions:

MC-08-16 - page 2: highlight: implies not sufficient information presented; set backs page 43; lot layout; was this project totally rescored (1A) How was staff able to rescore if information had been insufficient?

PM Rowe responded: 1A, page 43 - recommendation still 0; applicant did provide letter speaking to 1A and gave some information in memo; also argument could be made for giving point, but staff not recommending considerable debate on whether project should get point, elsewhere commitment to standard, could not independently verify but felt sufficient to maintain points in supplement +1 point

Commissioner Lyle asked if new information had been received after initial submittal.
[no]

Commissioner Acevedo same project down to Lot Layout B1f (staff comment: from 1 point to 0, lot of comment; another major included). PM Rowe remarked that under f,

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 17

both comments: minor and major delineated but supplement this evening on page 2. Project provides some level of agricultural mitigation, while not an RDCS criterion, will be a CEQA concern; also path at edge of project can be accommodated in later phases.

Commissioner Lyle asked about page 13, 1D (application) saying staff changed the scoring on that to consistency with prior scoring with the question remaining: was the application scored correctly previously – as he reminded that approvals previously not corrected are perpetuating mistakes / errors.

PM Rowe explained if an error is found, it is not carried forward. PM Rowe speaks to the need for consistency. Commissioner Lyle asks about other examples, e.g., pre-approved well site. PM Rowe talked about fairness in having the developers meet with appropriate staff.

Going into the progression of addressing each of the items on the application list, Chair Koepp-Baker declared that since each of the projects had previously had opportunity for public hearing, and that while public hearings were not necessary at this meeting, she would, none the less, provide for each an opportunity for pertinent information sharing.

Note: for each of the projects, the opportunity for the public to speak was offered, but is not noted in the minutes below. If there were no changes nor any persons wishing to speak, notice of that item is not made.

MC-08-13 Bill McClintock (public facilities) said he thought the change to the existing drainage deserved a point. He said it is necessary to continue to score as the committee has done. PM Rowe clarified that the subcommittee did not agree with putting storm drains in private facilities but only in streets. ***The Commissioners agreed by consensus, and accordingly added 1 (one) point in that category, causing the final score to be 173.***

MC-08-15 Dick Oliver (circulation) 1F *short blocks issue* exactly same as Mission View and Alicante. I thought this went back to Public Works and would like the point.

MC-08-16 Commissioner Lyle announced he had a long comment – and would try to summarize: “With respect to this project, this project has bothered me more than any other in 15 years. This project or some reincarnation of it could be the best ever. However, I’m not sure all the information was submitted timely and we seem to have new information, as the project had to be significantly rescored. There appears to be two areas which were grandfathered due to two scoring errors. When zoning for this area was set up, the Planning Commission had clear goals - estate sized, 1 acre lots and the City does not have many. This lot layout defeats the purpose of the essentially designated 40,000 sf and now becomes 20,000 sf. We used to have a prohibition for this, as some previous projects abused it. Projects get points for commitment and this one is not clear. Usually it is very clear as we see the evidence on maps; and that is not true here. In some cases the language is explicit. Here there is a criteria issue and a procedure issue; extra points in open space: 18 acres. I like open space but this project should not be getting bonus points for taking from the 40,000 sf lots to make that open space – it should have remained in people’s lots. Again, this project bothers me more than any other. I believe this application has been over scored more than any other remembered and there are also procedural problems with the scoring.”

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 18

MC-08-16 Commissioner Acevedo: lot layout and orientation, 1a, page 43, a point was added back; so 14 for total of 181.

Projects MC- 08-17 through MC-08-24 were noted with no comment.

Chair Koepp-Baker said she had asked staff to look at the specifics raised at the December 9 - 10 workshop and meeting. "I do not believe we are replicating any error staff made at this time:

John Telfer asked to speak to the Borello project (MC-08-16). Having been granted that request, Mr. Telfer said, "The staff memo distributed tonight delineating 1A more than justifies arguments for 1F as well. I think there is confusion brought about by the size of project this project." Commissioner Lyle asks about the {computer} disk submitted by the applicant. Mr. Telfer said that had been requested by staff. PM Rowe clarified that staff did not request the disk. Mr. Telfer added that the disk had been submitted prior to the deadline of October 1, 2008. PM Rowe agreed.

Mr. Telfer said, "Our commitments have been made and all the Planning Commission all had to do was ask for clarifying." Commissioner Lyle gave an example of the Schools not being specific at the last meeting. "That was not clear," he said.

Discussion followed regarding text matching the narrative.

Mr. Telfer said PM Rowe's memo this evening gave a good overview of the points made in the application.

Considerable discussion followed relating to 1F with staff presenting arguments for doing so in lot layout 1f, page 43 of narrative. Commissioner Lyle references two lists previously noted and asking they be put in sync. There was discussion of CEQA issues referenced in the memo. Commissioner Lyle argued for *no point* because the 'open space was taken from other peoples' lots'.

Chair Koepp-Baker felt the points were warranted. Following further discussion, no point was awarded to 1f.

Turning to the Commissioner's Excellence Point, PM Rowe reported on past experiences of the City with developers.

Only MC-08-18 and MC-08-19 did not have solid housing experience, but both were known for commercial development with no negative experiences.

PLANNING COMMISSION MEETING MINUTES

JANUARY 13, 2009

PAGE 19

Clarification of voting for the Commissioner's Excellence Point was completed. Commissioners then cast votes with the result:

Project: MC-08-	Votes	Point awarded	Total final score
13	0	0	173
15	0	0	165.5
16	3	1	182
17	0	0	186
18	1	0	181.5
19	0	0	169.5
20	0	0	164.5
22	0	0	181
23	2	0	180
24	1	0	174.5

Commissioner Lyle said it was important that the Commissioners took into account project type.

NOTING THE FINDINGS AND CONDITIONS WITHIN, COMMISSIONER LYLE OFFERED A RESOLUTION APPROVING FINAL PROJECT SCORES IN THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM SMALL PROJECT, MULTI-FAMILY RENTAL AND OPEN MARKET PROJECT COMPETITIONS FOR THE FISCAL YEAR 2010 – 2011 BUILDING ALLOTMENT. COMMISSIONER ACEVEDO SECONDED THE MOTION PASSED (4-0-0-2) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR, MUELLER. One vacancy exists on the Commission.

Commissioner Mueller returned to the dais at 11:00 p.m. to announce that this meeting marked his 20th year on the Morgan Hill Planning Commission. He was roundly congratulated on attaining that feat.

ANNOUNCEMENTS/ At the next meeting (January 27, 2009) the batch processing and temporary BMR waivers
COMMISSIONER will be presented.
IDENTIFIED
ISSUES:

CITY COUNCIL None
REPORTS:

ADJOURNMENT: With no further business to be completed, Chair Koepp-Baker adjourned the meeting at 11:02 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk

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